

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

v.

INDIANA PACERS, et al.,

Defendants

CIVIL ACTION NO. 04-CV-74932-DT

DISTRICT JUDGE ANNA DIGGS TAYLOR

MAGISTRATE JUDGE DONALD A. SCHEER

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT INDIANA
PACERS' EMERGENCY MOTION TO COMPEL MEDICAL EXAMINATIONS

This cause is before the Court on Defendant Indiana Pacers' Emergency Motion to Compel Medical Examinations. The parties appeared, by counsel, for hearing on August 10, 2006. The Court having reviewed the Motion, together with Plaintiff's Response and having heard the arguments of counsel, finds that the Motion should be, and the same is hereby, GRANTED IN PART as follows:

1. Plaintiff shall submit to an independent medical examination by Dr. William Leuchter, M.D. on September 13, 2006, or on such earlier date as may be agreed upon by the parties;
2. Defendant Indiana Pacers shall provide Plaintiff with timely notice of the exact location and time for the examination;
3. Defendant Indiana Pacers shall provide Plaintiff with a written report of the examining physician within fifteen days after completion of the examination.

4. Plaintiff may depose the examining physician upon reasonable notice following the issuance of the examination report.
5. Defendant Indiana Pacers has abandoned its Motion with respect to the request for evaluation of Plaintiff by Rod Durgin, Ph.D., a rehabilitation specialist.
6. Defendant Indiana Pacer's Motion is denied with respect to the request for an independent medical examination of Plaintiff by Calmeze H. Dudley, M.D., a forensic psychiatrist.
7. This order is entered in light of Plaintiff's delay in disclosure of his treatment by Michigan Head Pain Neurology of symptoms allegedly related to the conduct of the individual Defendants, and in recognition of the general pattern of agreement among the parties for post-deadline discovery without compliance with Fed.R.Civ.P.29, and in the interests of a full and fair presentation of the merits of this case at trial.

SO ORDERED.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: August 11, 2006

CERTIFICATE OF SERVICE

I hereby certify on August 11, 2006 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on August 11, 2006. **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217